



Landlord Letter

August 2021

CDC Eviction Moratorium Extended AGAIN – Why It Doesn't Matter

The CDC Eviction Moratorium has been in place since September 4, 2020 and, after multiple extensions, briefly expired on July 31, 2021. However, on August 3, 2021 a new CDC Eviction Moratorium was issued through October 3, 2021. This new order is despite Pres. Biden acknowledging this action is not on solid legal grounds and likely to see legal challenges. The new moratorium is similar to prior orders, but let me explain why it really doesn't matter.

First – Evictions are never the first option to resolve a problem between the landlord and tenant. Even if evictions are permitted, as a practical matter, landlords and tenants should communicate with each other to address any problems or concerns. If a tenant is violating the lease, failing to pay rent, or causing other problems, the landlord should clearly communicate with the tenant to try to resolve the problem. This includes serving an eviction notice that clearly states the problems and allows the tenant time to act to avoid an eviction. If a reasonable landlord and reasonable tenant communicate about a

problem, a judge often doesn't need to get involved because two reasonable people can usually come to a better outcome than what the courts would force on either side.

Second – If a tenant is behind on the rent or other amounts due under the lease, there are still hundreds of millions of dollars (literally \$400,000,000) in rent relief available just in the state of Utah. Both the landlord and tenant should work to apply for these funds (and area actually required to apply for these funds under the CDC Eviction Moratoriums). Contact us

(info@utahevictionlaw.com) for help submitting an application and the state will cover the cost for our involvement. It is best to apply early to allow the state to process the application. The state begins accepting applications for rent that is due within the next 15 days (meaning you can apply for the following month of



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rent around the 16th of the month). If lease is month to month, the application can bring the rent current plus pay for one additional month. If the lease is long term, the application can also cover up to three months of future rent.

Will eviction filings increase whenever the CDC Order expires? As we discussed in our newsletter last month, eviction filings are down around 42%, which is around 250 fewer cases per month (350 instead of 600 per month) or 4,200 total cases since the pandemic began. Yes, we believe eviction filings will increase over when the CDC Order expires, but this is likely primarily because we have had substantial restrictions on evictions throughout the pandemic. Nearly all of the 4,200 cases that nor-

mally would have been filed have been resolved or the rent assistance programs have paid the balance and eliminated the need to consider an eviction.

Again, no matter what the laws allow for evictions, landlords and tenants should communicate and work through the problems to attempt to avoid

having to file an eviction.

This is true no matter what action the CDC or Congress takes. However, if the tenant is not responsive and the problems are not resolved within the timelines re-

quired by Utah law, filing an eviction may be necessary. Contact us to confirm that you are building a strong case and that you are also in compliance with whatever laws are applicable to your case.

Attorney Jeremy Shorts



Quick Tips on Eviction Notices

- If applicable, serve multiple eviction notices to strengthen your case.
- Include enough detail to explain why they're receiving the notices.
- Make sure it's filled out and served properly.
- Keep a copy for yourself in case you end up filing an eviction.





Dear Attorney,

Q:

My tenants are getting a divorce and they've given me their Divorce Decree signed by the judge that orders the wife to be removed from the lease.

What should I do?

A:

Wow, that's unusual. I doubt that this was done maliciously, but it was probably an oversight on the part of the divorce attorneys or the divorce court. Court orders are not usually issued against a party unless they have had an opportunity to be heard prior to the order being issued. To issue such an order would be a violation of your due process rights.

The divorce action probably did not involve the landlord as a party, meaning that the order was likely not issued properly and has no legal

effect on the lease. If the divorce decree order stated "The Court orders the husband and wife to take reasonable steps to attempt to remove the wife from the lease", that would likely be okay because it does not force the landlord, who is not a party to the divorce, to do anything. The only obligation would be for the husband and wife to attempt to remove the wife.

The best course of action here would be to communicate your concerns with the tenants and, if needed, involve an attorney to help enforce your lease.



**See what people
are saying about**

"Jeremy is quick to respond to time critical situations and provides sound advise after listening to the facts in a case. Great service, professional, and quick response times are why I give Jeremy 5 stars."

~T. M. —Google Review

Courtroom Chronicles

Leases are often universally applicable across a variety of circumstances. But occasionally, based on a unique property or an unusual situation, it might be important to change the lease up a little. To help accomplish this, we have a free “Blank Lease Addendum” that allows the parties to insert any additional provisions that need to be added to the lease.

However, we’ve recently come across some unusual lease provisions that we wanted to share. One lease wanted to add some specific provisions related to pets and included this language: “Our pet policy is that every pet owner is required to clean up after the pet. This is also a city ordinance. If you see a dog crap on the property and it is not cleaned up within 15 minutes, call me.”

At least the landlord wants to keep his place clean and tidy, but that’s not wording you see everyday.



Calendar of Events



Utah Apartment Association

- August 17 – UAA’s Membership Meeting.
- August 26 – UPRO Class— Fair Housing & Other Federal Laws Affecting Rentals.
- August 26—UAA Membership Meeting.

Parting Thoughts

- We’re working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email at info@utahevictionlaw.com.
- Have an eviction question? Email it to us for a future newsletter!
- Help us build our online presence! You can “Like” our Facebook page (www.facebook.com/utahevictionlaw).
- You can also give us a Five Star Google Review (search “Jeremy Shorts Reviews” and click on our link).

***Evictions in
Weeks, Not
Months!***